

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK,	:
	:
Plaintiff,	:
	:
-v-	:
	:
CHAD F. WOLF, <i>in his official capacity as Acting</i>	:
<i>Secretary of Homeland Security, et al.,</i>	:
	:
Defendants.	:
	:
-----X	
R. L'HEUREUX LEWIS-MCCOY et al., <i>on behalf of</i>	:
<i>themselves and all similarly situated individuals,</i>	:
	:
Plaintiffs,	:
	:
-v-	:
	:
CHAD WOLF, <i>in his official capacity as Acting</i>	:
<i>Secretary of Homeland Security, et al.,</i>	:
	:
Defendants.	:
	:
-----X	

20-CV-1127 (JMF)

20-CV-1142 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Plaintiffs in these two lawsuits, familiarity with which is assumed, challenged a decision of the U.S. Department of Homeland Security (“DHS”) to suspend the eligibility of all New York residents to enroll or re-enroll in the Trusted Traveler Programs (“TTPs”) operated by U.S. Customs and Border Protection (“CBP”) (the “TTP Decision”). On July 23, 2020, DHS rescinded the decision effective immediately. ECF No. 88.¹

Still pending before the Court are motions to seal portions of Defendants’ report identifying and explaining various inaccurate and misleading statements in the record, an accompanying privilege log and declarations, and a supplemental declaration explaining further inaccuracies in the report itself. *See* ECF Nos. 111, 118, 131. Since these motions were filed, however, the circumstances have changed materially. Among other things, the Court granted Plaintiffs’ unopposed motion for summary judgment, *see New York v. Wolf*, Nos. 20-CV-1127

¹ Unless otherwise noted, all docket references are to 20-CV-1127.

(JMF), 20-CV-1142 (JMF), 2020 WL 6047817 (S.D.N.Y. Oct. 13, 2020) (ECF No. 124); the Court denied Plaintiffs' motion for a permanent injunction, *see New York v. Wolf*, Nos. 20-CV-1127 (JMF), 20-CV-1142 (JMF), 2021 WL 185190 (S.D.N.Y. Jan. 19, 2021) (ECF No. 139); and, of course, there has been a change in Administration and corresponding changes in the senior leadership of the Defendant agencies.

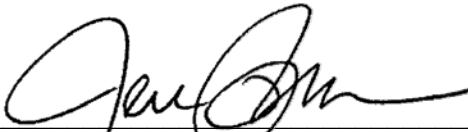
The Court will hold a telephone conference on **May 14, 2021 at 3:00 p.m.**, to discuss the impact, if any, of these developments on the litigation. Counsel shall confer in advance of the conference and be prepared to address at the conference (1) whether the positions of either side with respect to the pending motions — or the broader issues to which the motions relate — have changed and (2) whether the Court can do anything to facilitate a resolution of the parties' remaining disputes without the need for further litigation.

At least **twenty-four hours before the conference**, counsel shall send a joint email to the Court with the names and telephone numbers of those who will have speaking roles at the conference, and the Court will provide call-in information to those counsel. All others — counsel who will not have speaking roles and members of the public — may listen to the conference by calling the Court's dedicated conference call line at (888) 363-4749 and using access code 542-1540 followed by the pound (#) key. The parties are reminded to follow the procedures for teleconferences described in the Court's Emergency Individual Rules and Practices in Light of COVID-19, which are available at <https://nysd.uscourts.gov/hon-jesse-m-furman>.

Additionally, no later than May 6, 2021, the parties shall file a stipulation and proposed order substituting the proper Defendants pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: May 3, 2021
New York, New York



JESSE M. FURMAN
United States District Judge